

1 UNITED STATES DISTRICT COURT  
2 DISTRICT OF NEVADA

3 JERRY ANDERSON,

4 Plaintiff

5 v.

6 STEPHEN SMITH, et al.,

7 Defendants

Case No.: 3:24-cv-00356-ART-CSD

**Report & Recommendation of  
United States Magistrate Judge**

8 This Report and Recommendation is made to the Honorable Anne R. Traum, United  
9 States District Judge. The action was referred to the undersigned Magistrate Judge pursuant to 28  
10 U.S.C. § 636(b)(1)(B) and the Local Rules of Practice, LR 1B 1-4.

11 Plaintiff filed an application to proceed *in forma pauperis* (IFP) and pro se complaint.  
12 (ECF Nos. 1-1, 3.) Plaintiff's IFP application indicated that his take home wages are \$3,100 per  
13 month; he has \$3,100 in his checking or savings account; and he has no expenses or liabilities.  
14 Accordingly, the court issued an order denying Plaintiff's IFP application without prejudice as it  
15 did not demonstrate an inability to pay the filing fee. The court gave Plaintiff 30 days, until  
16 October 16, 2024, to either pay the \$405 filing fee or submit a completed IFP application on the  
17 court's long form, signed under penalty of perjury, demonstrating he is unable to pay the filing  
18 fee. Plaintiff was cautioned that a failure to pay the filing fee or file a completed IFP application  
19 on the court's long form would result in a recommendation that this action be dismissed without  
20 prejudice. (ECF No. 4.)

21 Plaintiff has not paid the filing fee or submitted an IFP application on the court's long  
22 form. Therefore, this action should be dismissed without prejudice.

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**RECOMMENDATION**

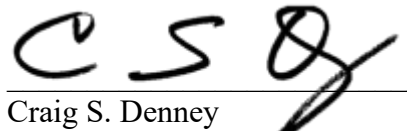
IT IS HEREBY RECOMMENDED that the District Judge enter an order **DISMISSING** this action **WITHOUT PREJUDICE**.

Plaintiff should be aware of the following:

1. That he may file, pursuant to 28 U.S.C. § 636(b)(1)(C), specific written objections to this Report and Recommendation within fourteen days of being served with a copy of the Report and Recommendation. These objections should be titled “Objections to Magistrate Judge’s Report and Recommendation” and should be accompanied by points and authorities for consideration by the district judge.

2. That this Report and Recommendation is not an appealable order and that any notice of appeal pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure should not be filed until entry of judgment by the district court.

Dated: October 29, 2024

  
Craig S. Denney  
United States Magistrate Judge